



# TULARE COUNTY RESOURCE MANAGEMENT AGENCY APPLICATION

## GENERAL INFORMATION / COVER SHEET



### VOLUNTARY MERGER

#### General Information:

**Applicant** \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

**Property Owner** (if different) \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

**Agent** (if applicable) \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

**Site Address:** \_\_\_\_\_

Physical Location of Site (cross streets & nearest community): \_\_\_\_\_

Assessor's Parcel Nos.: \_\_\_\_\_

#### THIS SPACE FOR OFFICE USE ONLY

Application Received/Reviewed by: \_\_\_\_\_ Project Number(s) \_\_\_\_\_

Use Description \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Economic Development Project: \_\_\_\_\_

Land Use Designation: \_\_\_\_\_

Agricultural Preserve & Contract Nos. (if applicable) \_\_\_\_\_

Filing Fee(s): \_\_\_\_\_ Total Amount Paid: \_\_\_\_\_

Date Received: \_\_\_\_\_ Payment Type: \_\_\_\_\_

Receipt Number(s) \_\_\_\_\_ Existing Entitlements/References: \_\_\_\_\_

COUNTY HOURS: Monday-Thursday 7:30 a.m. to 5:30 p.m. – Friday 8:00 A.M. TO 12:00 P.M.

PERMIT CENTER HOURS: MONDAY – THURSDAY 9:00 A.M. TO 4:30 P.M.

## **Petition for Voluntary Merger**

### **REQUIREMENTS, FEES AND INSTRUCTIONS** *(Please use dark blue or black ink)*

The petition form must be filled out completely and in every respect with all questions answered and all required attachments before the County can officially accept the application for filing. In the course of accepting and processing the application, the Permit Center Official or Engineer may ask the applicant to clarify, correct or otherwise supplement the required information. The application may be filed with the Resource Management Agency Permit Center, at 5961 S. Mooney Blvd., Visalia CA 93277. Phone is (559) 624-7100.

1. The Board of Supervisors shall establish by resolution such fees as may be required for the review and processing of a proposal for voluntary merger. This fee is to cover the cost to the County for advertising, investigating and processing of a proposal for voluntary merger.

Type of Application	Fee for Petition (SUBJECT TO CHANGE AT ANY TIME)
Voluntary Merger (Fee adopted by Tulare County Resolution No. 2009-0591)	\$675

**NOTE: The applicant is responsible for the payment of all fees associated with this application**

### **What is a Voluntary Merger?**

A Voluntary Merger is a process by which two or more parcels of land are merged into a single legal parcel. Pay special attention to the phrase "single legal parcel." Once a merger has been processed and recorded, it cannot be undone without further subdivision processes.

### **The Merger Process**

Preparing a Voluntary Merger for processing and recordation is a fairly simple process. The following pages will provide the application for the merger, explain the documentation required to effectuate the merger of the real property, and provide you with a checklist and sample forms of those documents. Should you have any questions regarding the preparation of the documents, please call our office at (559) 624-7100 and a representative will be happy to assist you.

### **Local Agency Authorization**

The county may, by ordinance, authorize the merger of contiguous parcels under common ownership without reverting to acreage. Such ordinance shall require the recordation of an instrument evidencing the merger.

### **Approval Criteria**

- (a) The merger will not affect any fees, grants, easements, agreements, conditions, dedications, offers to dedicate or security provided in connection with any approvals of divisions of real property or lot line adjustments; and,
- (b) The boundaries of the merged parcel are well-defined in existing recorded documents or filed maps; and,
- (c) The merger will not alter the exterior boundary of the parcels to be merged; and
- (d) The document used to effect the merger contains an accurate description of the exterior boundaries of the resulting parcel; and,
- (e) All parties having any record title interest in the real property effected have consented to the merger upon a form and in a manner approved by the Board of Supervisors of the County of Tulare, excepting all those interests that are excepted from the requirement to consent to the preparation and recordation of Final Maps under the provisions of California Government Code Section 66436 and according to the terms, provisions, reservations and restrictions provided therein for such consent; and,
- (f) All necessary fees and requirements, including a fee for recording the document have been provided.

### **Concurrent Filing of Record of Survey**

Where a record of survey is deemed to be necessary by the County Surveyor, or the applicant, in order to monument and define the boundaries of the merged parcel, such record of survey, otherwise in compliance with all requirements, shall be filed at the same time as the merger and certificate of merger.

### **Merger of Parcels into a Single Parcel**

The filing of said merger and certificate of merger for recordation shall constitute a merger of the separate parcels into one parcel for the purposes of the Subdivision Map Act and local ordinances enacted pursuant thereto, and the parcels shall thereafter be treated in all respects as a single parcel.

### **Recording of Merger Without Approval Prohibited**

No person shall record a document merging separate legal parcels into a single legal parcel for the purposes of the Subdivision Map Act and local Ordinances enacted pursuant thereto except in conformity with the provisions of this chapter.

### **Procedural Explanation**

#### **Petition for Voluntary Merger**

The Petition for Voluntary Merger shall be fully completed and signed by at least one owner of record (original signature required) prior to submittal. Should the owner designate an agent to process the merger on their behalf, a signed Letter of Authorization (original signature required) shall accompany the petition.

#### **Title Report**

A current Preliminary Title Report, current within 60 days of the date of submittal of the petition, shall be required.

#### **Parcel Validity**

Local Ordinance requires that the parcels to be merged shall have been legally created. It is the petitioner's responsibility to submit evidence of the legal creation.

#### **Monumentation of Parcel**

The Office of the County Surveyor shall determine if a Record of Survey is required to monument the exterior boundary of the merged parcels. The petitioner shall be notified of this decision in writing after he/she submits the Petition for Voluntary Merger. Fees required to process the Record of Survey shall be collected after the petitioner has been notified that a Record of Survey is required.

#### **Certificate and Declaration of Voluntary Merger**

A Certificate and Declaration of Voluntary Merger shall be signed by each owner and holder of record title interest. The capacity in which that person is signing shall be stated below their printed name. For example:

Signature line\_\_\_\_\_

(printed name)

a) Owner

b) Beneficiary

c) Trustee

Etc.

As required by Section 313 of the California Corporations Code, any document executed by a corporation requires the signature from at least one person from each of the following two groups:

#### **Group One**

Chairman of the Board

President Assistant

Vice-President (any)

#### **Group Two**

Secretary

Secretary (any)

Chief Financial Officer

Assistant Treasurer (any)

#### **Exhibit A**

A legal description entitled "Exhibit A", as stated in the Certificate and Declaration of Voluntary Merger, shall be a description of the parcels prior to the merger. This description shall be identical to the descriptions listed in the preliminary title report, without the exceptions for minerals and easements, if applicable.

### **Exhibit B**

A legal description entitled "Exhibit B", as stated in the Certificate and Declaration of Voluntary Merger, shall be a description of the newly configured parcel in its entirety. The new description shall be prepared by a Licensed Land Surveyor, signed and sealed in accordance with Sections 8761 and 8726 of the Professional Land Surveyors Act.

### **Exhibit C**

A sketch entitled "Exhibit C", as stated in the Certificate and Declaration of Voluntary Merger, shall be a drawing of the property in its new configuration.

The following items are required to be shown on Exhibit C:

- a) Voluntary Merger Number (assigned by the County Surveyor)
- b) Assessor's Parcel Numbers
- c) North arrow
- d) Scale and Graphic scale
- e) Heavy lines shall denote the exterior boundary of the merged parcel
- f) Light dashed lines shall denote the interior line(s) being deleted and noted as such.
- g) The Point of Beginning shall be labeled when bearing and distance are recited in Exhibit B.
- h) The name of the Licensed Land Surveyor or Registered Civil Engineer authorized to practice Land Surveying preparing the Exhibit (if applicable) including signature and seal in accordance with Section 8761 of the PLS Act.

Exhibit C may also consist of a reduction of the current Assessor's Map, clearly denoting the merged parcel by a heavy line (d). Items (e), (f) and (g) shall be reflected on the map.

### **Certificate of Merger**

The Certificate of Merger shall be prepared by the petitioner and submitted as part of the documentation package. Once all of the forms submitted are in correct form for recordation, the County Surveyor shall approve the merger by signing this Certificate.

### **Modified Deed of Trust**

If a Deed of Trust exists on one or more of the parcels being merged, a Modified Deed of Trust is required. The Modified Deed of Trust shall cover the entire merged parcel singularly. This document shall record concurrently with the Voluntary Merger.

### **Record of Survey**

When a Record of Survey is filed concurrently to reflect the monumentation of the new parcel, it shall contain the following note:

#### **NOTE**

Certificate and Declaration of Voluntary Merger and Certificate of Merger are recorded concurrently as Instrument No. \_\_\_\_\_ O.R.

### **Recordation Fees**

Fees required for the recordation of the Voluntary Merger document package shall be determined by the County Recorder and collected at the time of recordation.

### **Examples**

Examples of statements and certificates included in this packet were written in the generic form. The forms should be modified to reflect the correct person, with the exception of the Notary Statement. For example, when the form shows the options (He)(She)(We), modify the form to reflect the proper person and delete the other options from the statement.

# PETITION FOR VOLUNTARY MERGER

Processing Division: County Surveyor's Office  
Resource Management Agency  
5961 South Mooney Blvd.  
Visalia, CA 93277  
559/624-7100

Owner's Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Mail all correspondence to: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

We, the undersigned, request approval of a Voluntary Merger of Lots, Parcels or Tracts known as (site brief legal description)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tulare County Assessor's Parcel Numbers: \_\_\_\_\_  
located in the \_\_\_\_\_ Supervisorial District, as provided for in Government Code §66499.20 3/4 (State Subdivision Map Act) and §7-01-2730 of the Tulare County Ordinance Code.

Reason for Voluntary Merger \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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## We are the owners of record of the real property described above and we attach:

- 1) A current Title Report (within 60-days) showing that we are the owners of record of all real property to be effected by the proposed Voluntary Merger and listing all owners of any interest in the real property proposed for Voluntary Merger; and,
- 2) Pursuant to §7-01-2730(b), the lots to be merged shall be legally created parcels. Submit copies of documents or maps to substantiate parcel validity.

If the lots to be merged are known to have been created illegally, a Conditional Certificate of Compliance shall be required to be obtained prior to submitting the application for the Voluntary Merger.

Pursuant to §7-01-2730(g) of the Tulare County Ordinance Code, where a Record of Survey is deemed necessary by the County Surveyor or the owner of record in order to monument and define the boundaries of the merged parcels, such Record of Survey, made in compliance with the Professional Land Surveyor's Act, shall be filed at the same time as the Petition for Voluntary Merger. The fee required for the processing and reviewing the Voluntary Merger documents is a \$675.00 application fee, to be submitted at the same time as the petition.

In support of this Petition for Voluntary Merger, we declare that the following items are true and complete and shall be completed prior to the issuance of the Voluntary Merger:

- 1) The merger will not effect any fees, grants, easements, agreements, conditions, dedications, offers to dedicate or security provided in the connection with any approvals of the division of real property or lot line adjustment; and,
- 2) The boundaries of the merged parcel are well defined with adequate monumentation in existing recorded documents or filed maps; and,
- 3) The merger will not alter the exterior boundary of the parcels to be merged; and,
- 4) The document to be used to effect the merger contains an accurate description and Exhibit Map of the exterior boundaries of the resulting parcel; and,
- 5) Owners, Trustees or Beneficiaries, having any record title interest in the real property effected consent to the merger in this petition, excepting those interests that are excepted from the requirement to consent to the preparation and the recordation of Final Maps under the provisions of the California Government Code §66436 (according to the terms, provisions, reservations and restrictions provided for such consent).
- 6) The lots to be merged are legal parcels.

\_\_\_\_\_  
Name Printed  
Title

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Name Printed  
Title

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Name Printed  
Title

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Name Printed  
Title

\_\_\_\_\_  
Signature Date

## **Voluntary Merger Check List**

- \_\_\_\_\_ Petition for Voluntary Merger (signed by owners)
- \_\_\_\_\_ Processing fee - \$675.00 Application Fee (effective 10/17/09)
- \_\_\_\_\_ Current Title Report (within 60 days)
- \_\_\_\_\_ Copy of document or map legally creating the parcels to be merged
- \_\_\_\_\_ Certificate and Declaration of Voluntary Merger (to be completed by the County and then signed by Owners)
- \_\_\_\_\_ Certificate and Declaration of Voluntary Merger (signed by Holders of Record Title Interest)
- \_\_\_\_\_ Notary Statement for all signatories
- \_\_\_\_\_ Exhibit A - Legal description of original lots prior to merger per Title Report (Less easement and minerals)
- \_\_\_\_\_ Exhibit B - Legal description of parcel in post merger configuration
- \_\_\_\_\_ Exhibit C - Exhibit map (sketch or reduction of Assessor's map)
- \_\_\_\_\_ Certificate of Merger (to be completed by the County)
- \_\_\_\_\_ Modified Deed of Trust
- \_\_\_\_\_ Agent Authorization Form (if applicable)

### \*\*\*\*\*Surveyor's Office Use\*\*\*\*\*

- \_\_\_\_\_ Date-down from Title Company (request the day of recordation)
- \_\_\_\_\_ Recordation fees (payable to County Recorder, including conformed copy fee)
- \_\_\_\_\_ Conformed Copy

# EXAMPLE

## **RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:**

Payor of Recording Fees  
Street Address  
City, State Postal Code

Example  
To be Completed by

APN's: \_\_\_\_\_  
(Voluntary Merger Number)

## **CERTIFICATE AND DECLARATION OF VOLUNTARY MERGER**

I (We), the undersigned, do hereby certify that I (we) am (are) the owners of, or have an interest in, the real property described as Exhibit A and that I (we) am (are) the only person(s) whose consent is necessary to pass clear title to said land.

I (We) do hereby merge the real property described in Exhibit A into 1 parcel, for the purposes of the California Subdivision Map Act and local ordinances enacted pursuant thereto, and the parcel shall hereafter be treated in all respects as a single parcel.

The exterior boundaries of the parcel of land resulting from this Voluntary Merger are described in Exhibit "B" and shown on Exhibit "C" attached hereto and incorporated herein.

By: \_\_\_\_\_  
Owners' Name Printed  
Title

By: \_\_\_\_\_  
Owners' Name Printed  
Title

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## **NOTARY**

STATE OF CALIFORNIA     )  
  )ss

COUNTY OF TULARE )

On \_\_\_\_\_, before me, \_\_\_\_\_, a notary public,  
personally appeared \_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the state of California that the forgoing paragraph is true and correct.

Witness my hand and official seal:

Signature: \_\_\_\_\_

Page 1 of \_\_\_\_\_



# EXAMPLE

## Certificate of Merger

Example  
To be completed by County

### (voluntary merger number)

This Certificate and Declaration of Voluntary Merger is in substantial conformity with the provisions of Section 66499.20 3/4 of the California Government Code and Section 7-01-2730 of the Tulare County Ordinance Code and shall establish the merger of the parcels as referenced herein.

\_\_\_\_\_  
Britt L. Fussel RCE 31677  
County Surveyor  
License Expiration Date: 12/31/2006

\_\_\_\_\_  
Date

SEAL

*Use the following "NOTES" when applicable*

**NOTE:** Modified Deed of Trust is recorded concurrently as Instrument No. \_\_\_\_ -  
\_\_\_\_\_ O.R.

**NOTE:** Record of Survey is recorded concurrently in Book \_\_\_\_\_ of Records  
of Survey at Page(s) \_\_\_\_\_.

Page 2 of \_\_\_\_\_

*EXAMPLE*  
*(unincorporated territory only)*

**EXHIBIT A**

**Legal Description**

Parcel 1

Lot 2 of Block 37 according to the map of "The Town of Wherever" recorded in Map Book 1000, Pages 300, in the Office of the County Recorder, County of Tulare, State of California.

Parcel 2

Lot 13 of Block 37 according to the map of "The Town of Wherever" recorded in Map Book 1000, Pages 300, in the Office of the County Recorder, County of Tulare, State of California.

*EXAMPLE*  
*(unincorporated territory only)*

**EXHIBIT B**

**Legal Description**  
for  
XX-VM-XX

Lots 2 and 13 of Block 37 according to the map of "The Town of Wherever" recorded in Map Book 1000, Pages 300, in the Office of the County Recorder, County of Tulare, State of California.

OR

Lots 2 and 13 of Block 37 according to the map of "The Town of Wherever" recorded in Map Book 1000, Pages 300, in the Office of the County Recorder, County of Tulare, State of California, more particularly described as follows:

Beginning at the southwesterly corner of said Lot 13; thence,

First            North, 283.42 feet, along the westerly lines said Lots 13 and 2, to the northwesterly corner of said Lot 2; thence

Second        East, 50.00 feet, along the northerly line of said Lot 2, to the northeasterly corner thereof; thence

Third           South, 283.42 feet, along the easterly lines of said Lots 2 and 13, to the southeasterly corner of said Lot 13; thence

Fourth        West, 50.00 feet, along the southerly line of said Lot 2, to the southwesterly corner thereof and the point of beginning.

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Professional Surveyor Seal

PLS No. XXXX

License Expiration Date: MM/DD/YYYY

Page 4 of \_\_\_\_

**The County of Tulare**  
**“INDEMNIFICATION AND COST RECOVERY AGREEMENT”**  
**(must accompany this application)**

**Please download or print out the form from the  
County Web Site  
(located with the list of land use applications).**

**The Indemnification and Cost Recovery Agreement  
must be filled in and signed by the applicant and must be  
submitted as part of any land use application requiring  
discretionary review by the County.**

**This Agreement must be signed by the Applicant**

**Please sign the Agreement in blue ink (preferred)  
and submit the original, signed document with the appropriate  
land use application.**

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